IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6916 OF 2007

Ramdas Tukaram Aatole & Ors. .. Petitioners
Versus
The Divisional Jt.Registrar
Coop.Societies, Pune & Ors. .. Respondents

Mr.S.S.Kanetkar for petitioners
Mr.R.M.Patne, A.G.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 4th December 2007

P.C.

. The grievance of the petitioner in the present petition is that initially an application for stay was made, ad-interim stay was granted on 1st September 2007 and thereafter, the matter posted on 23rd October 2007 for hearing. However, one Keshavrao Dagdu Atole filed an application for vacating the stay granted in favour of the present petitioner. The matter was

heard in the absence of petitioner and his Advocate.

2. However, the order records that the Advocates for the said Keshav Atole and the present petitioner - appellant were present. The order records that petitioner's Advocate filed an application for an adjournment, yet, the appellate authority proceeded with the application for vacating interim stay and proceeded to vacate the same by the impugned order.

3. The matter was adjourned till today to enable Mr.Patne to take instructions and produce records. Although, Mr.Patne would urge that the Advocate for petitioner appellant was present, Mr.Kanetkar disputes it and invites my attention to the document page 82 (Exh.K).

4. In the light of the fact that the stay

order has been vacated and it is stated that the Administrator has taken the charge, interest of justice would be sub-served if the appeal itself is directed to be heard and disposed of expeditiously. Mr.Kanetkar states that the petitioner would appear before the appellate authority i.e. Divisional Joint Registrar, C.S. Pune on 12th December 2007 at 3.00 p.m. The said authority is directed to hear and dispose of the appeal within four weeks from the date of appearance of parties. All contentions on merits are expressly kept open. In the meanwhile, the Administrator to only carry on day to day business and activities of the concerned society and not take any policy decisions. The appeal should be heard without in any manner being influenced by the order vacating the stay, the observations therein and the fact that the Administrator has taken charge in pursuance of the order of the Asstt.Registrar. Petition disposed of.

(S.C.Dharmadhikari, J)